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APR 02 2008

**REMARKS**

The Office Action dated January 2, 2008 has been received and reviewed. This response is directed to that action.

Claims 1, 9 and 12 have been amended, claims 14-17 are withdrawn in view of the election of Group I, and claims 8, 11 and 13 have been cancelled. Support for the amended claims can be found throughout the specification, and in claims 8, 11 and 13 as originally filed. No new matter has been added.

The applicants respectfully request reconsideration based on the foregoing amendments and the following remarks.

**Election/Restriction**

The applicants hereby affirm the election with traverse of Group I, directed to claims 1-13 and 18-20 as made during a telephone conversation on 12/4/2007. Claims 14-17 have been withdrawn herein. The applicants reserve the right to rejoin the withdrawn claims should rejoinder be appropriate, or to file a divisional application directed thereto.

**Claim Rejections- 35 U.S.C. §102**

The Examiner rejected claims 1-5 under 35 U.S.C. §102(e) as anticipated by Ishida et al. (US 7,291,760); claims 1-2 and 4-5 under 35 U.S.C. §102(b) as anticipated by Takaoka et al. (US 2002/0012608 A1); claim 3 under 35 U.S.C. §102(b) as anticipated by, or in the alternative, obvious under 35 U.S.C. §103(a) over Takaoka et al.; and claims 1-2 and 4-5 under 35 U.S.C. §102(b) as anticipated by Moon (US 4,025,944).

The applicants respectfully submit that these rejections have been rendered moot by the amendments to claim 1, which incorporate the limitations of claims 8, 11 and 13. Accordingly, the applicants respectfully request that these rejections be withdrawn.

The Examiner also rejected claims 1-3, 6-7 and 13 under 35 U.S.C. §102(b) as anticipated by Umeda et al. (US 2003/0052299 A1) or Dumesnil et al. (US 4,743,302) or Beck et al. (US 2,726,161). The applicants respectfully traverse these rejections.

The presently claimed invention relates to a composition exhibiting improved efficacy in protecting glassware exposed to aluminum wherein the composition comprises a detergent formulation, a rinse aid or a soluble glass or ceramic formulation. The applicants submit that none of Umeda, Dumesnil or Beck teach a *soluble* glass formulation. Therefore, these references fail to teach all of the elements of the presently claimed invention, and the applicants respectfully request that these rejections be withdrawn.

Claim Rejections- 35 U.S.C. §103

The Examiner rejected claims 1-3, 6-13 and 18-20 under 35 U.S.C. §103(a) as obvious over EP 0 070 587; and claim 18 under 35 U.S.C. §103(a) as obvious over Dumensil et al. The applicants respectfully traverse these rejections.

The Examiner stated that EP '587 differs from the claimed invention in that there is no direct teaching of a rinse aid composition that comprises both a zinc soluble salt and a bismuth soluble salt in combination. However, the Examiner concluded that it would have been obvious to one of ordinary skill in the art to prepare a composition comprising both bismuth and zinc based on claim 1 of EP '587. With respect to the rejection of

claim 18 over Dumensil, the Examiner stated that it would have been obvious to one of ordinary skill in the art to use the disclosure of example 13 as motivation to produce the presently claimed invention. The applicants respectfully traverse these rejections.

The Examiner cited *In re Kerhoven*, 205 USPQ 1069 (CCPA 1980) as support for the principle that two or more materials in combination for the same purpose they are taught as being individually useful is not patentable outside a showing of unexpected or superior results. The applicants submit that they have, in fact, shown unexpected and surprising results when both zinc and bismuth are used *in combination*. In Comparative Example 3, only zinc acetate (without the presence of bismuth) is used in tablet formulation. This Example shows a significant detrimental effect on glassware including glass clouding, line corrosion and iridescence (see Table AL4a). Similarly, Comparative Example 4, which includes only bismuth citrate (without zinc) in a tablet formulation exhibits weak glass corrosion care (see Table AL4b). However, when both zinc and bismuth are used in combination, as in Example 1, shown in paragraphs [0125-0128], the negative effects of corrosion and iridescence are vastly improved when compared to the Comparative Examples 3 and 4.

These results are unexpected and surprising to the skilled artisan. There is absolutely no teaching or suggestion in the prior art that a *combination* of bismuth and zinc would provide increased corrosion and iridescence protection to glassware. A *prima facie* case of obviousness is rebutted because the presently claimed invention exhibits unexpected and surprising results. Accordingly, the applicants respectfully request that the Examiner withdraw these rejections.

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Double Patenting

The applicants hereby acknowledge the obviousness-type double patenting rejections of the claims listed in pages 8-9 of the Office Action. However, the applicants respectfully request that the Examiner hold these rejections in abeyance until allowable subject matter in the present application has been indicated. The applicants will gladly revisit any double patenting rejections, and, if appropriate, may file terminal disclaimers over those copending applications at such time.

If any issues remain, the resolution of which may be advanced through a telephone conference, the Examiner is invited to contact the applicant's attorney at the phone number listed below.

CONDITIONAL PETITION FOR EXTENSION OF TIME


If entry and consideration of the amendments above requires an extension of time, Applicant respectfully requests that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,

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